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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,046	07/08/2004	Chean-Gui Park	1728.04	1652

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PARK LAW FIRM
3255 WILSHIRE BLVD
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EXAMINER

HAYES, BRET C

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 05/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 03 MAR 06 have been fully considered but they are not persuasive.
2. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.
3. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.
4. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the inside wire gauze lid) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
5. In response to applicant's argument that the present invention may be used both for positive pressure and for negative pressure, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Election/Restrictions

6. For the record, claims 4 & 5 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 08 SEP 05.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

8. Claims 2 & 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claim 2 recites the limitation "the face" in lines 4 & 18. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 3 is rejected as being dependent upon claim 2.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2 – 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toshio in view of US Patent No. 5,865,144 to Semenuk (as cited by Applicant).

13. Re – claim 2, Toshio further discloses the invention as applied to claim 1 above and including a lid having a plurality of exhaust holes 5, for example, all over its top and bottom

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surfaces, an outer filter 8, for example, mounted *above* the top surface, an outer filter fixing frame 9, an inner filter fixing frame 21 so located, an exhaust space formed between the outer and inner frames (since the filter 8 fits between the inner and outer frames, there is inherently 'an exhaust space' as claimed), an inner filter 4 so disposed, a filter fixing plate (the peripheral edges of element 4 define a 'plate', and an exhaust outlet 3a so formed, wherein the outer and inner frames, the inner filter and the plate are fixedly secured to each other to form the lid. However, Toshio does not disclose the body having an air supply valve. Semenuk teaches that it is known to provide an air supply valve on a face of a wall in the same field of endeavor for the purpose of ventilating a cage system. While Semenuk discloses the air supply valve on the lid and an exhaust port on the body, it would have been obvious to one of ordinary skill in the art at the time the invention was made to so arrange these elements, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japiske*, 86 USPQ 70. In this case, to reverse the air flow from a top to bottom configuration to a bottom to top configuration would be within the level of ordinary skill in the art. Motivation for doing such could include working into already existing air/fluid plumbing constraints.

14. Re – method claim 3, in view of the structure disclosed by Toshio, the method of operating the device would have been inherent, since it is the normal and logical manner in which the device could be used.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to Bret Hayes at telephone number (571) 272 – 6902 or email address bret.hayes@uspto.gov. The examiner can normally be reached Monday through Thursday from 5:30 am to 4:00 pm, Eastern Standard Time.

The Central FAX Number is **571-273-8300**.

If attempts to contact the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone, can be reached at (571) 272 – 6873.

bh

16-May-06



MICHAEL J. CARONE
SUPERVISORY PATENT EXAMINER